

### **REMARKS**

Claims 1-21 are currently pending in the application. Claims 1, 9, 13, and 20 have been amended. Claims 4-5 were previously canceled. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

#### **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected Claim 13 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,724,649 ("Lowndes") in view of U.S. Patent No. 4,930,677 ("Jolliffe"). Page 7 of the present Office action indicates that Claim 13 is rejected under 35 U.S.C. § 102, but Applicant believes that this anticipation rejection is improper since the Examiner has used more than one reference to disclose all the elements of Claim 13.

Lowndes does not disclose the subject matter of amended independent Claim 13. More specifically, Lowndes does not disclose a concrete section assembly comprising at least the following element:

(a) a first and second concrete section, each section having a first end and a second end disposed opposite one another, a side extending between the first and second ends of the section, an edge connected to the side of each section and extending along the side, the edge including a top portion being recessed from a top surface of the concrete section, the edge extending between the top surface and a bottom surface of the side, the sections aligned with the respective side of each section being adjacent to one another.

Rather, Lowndes discloses two adjacent concrete slabs 16, 18 being secured together with side weld plates 22. The side weld plate 22 includes an elongated body section 24 and a flange section 28 that is secured thereto and extends upwardly therefrom. A bar or slug 23 is placed between the opposite side weld plates 22 and welded in place to both side weld plates 22 thus uniting concrete slabs 16, 18. Col. 3, lines 2-11.

Lowndes does not disclose that the top portion of the body section 24 is recessed from the top surface of the concrete slab. Rather, the top portion of the body section 24 is aligned with the top surface of the concrete slab. In addition, Lowndes does not disclose that the flange section 28 of the side weld plate 22 extends to a bottom surface of the side of the concrete slab.

Jolliffe does not cure the deficiencies of Lowndes. Jolliffe does not disclose a concrete section assembly comprising at least the following element:

(a) a first and second concrete section, each section having a first end and a second end disposed opposite one another, a side extending between the first and second ends of the section, an edge connected to the side of each section and extending along the side, the edge

including a top portion being recessed from a top surface of the concrete section, the edge extending between the top surface and a bottom surface of the side, the sections aligned with the respective side of each section being adjacent to one another.

Rather, Jolliffe discloses a connector 10 having a leg 12 and a foot 14. The leg 12 is embedded in the concrete panel 20. Jolliffe does not disclose that the leg 12 extends to a bottom surface of the side of the concrete slab.

For at least these reasons, Lowndes and Jolliffe do not disclose the subject matter of Claim 13. Accordingly, independent Claim 13 is allowable.

#### Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 1, 2, 6, 8-12, 20, and 21 under 35 U.S.C. § 103 as being unpatentable over Lowndes in view of U.S. Patent Application Publication No. 2004/0049995 ("Rogers") and Jolliffe.

Lowndes does not disclose the subject matter of amended independent Claim 1 for at least the reasons noted by the Examiner in the present Office action. In addition, Lowndes does not disclose a concrete structural section comprising at least the following element:

(a) a first edge including a top portion being recessed from the top surface of the concrete section, the first edge connected to the concrete section between the top portion and the bottom surface and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Lowndes discloses two adjacent concrete slabs 16, 18 being secured together with side weld plates 22. The side weld plate 22 includes an elongated body section 24 and a flange section 28 that is secured thereto and extends upwardly therefrom. A bar or slug 23 is placed between the opposite side weld plates 22 and welded in place to both side weld plates 22 thus uniting concrete slabs 16, 18. Col. 3, lines 2-11.

Lowndes does not disclose that the top portion of the body section 24 is recessed from the top surface of the concrete slab. Rather, the top portion of the body section 24 is aligned with the top surface of the concrete slab. In addition, Lowndes does not disclose that the flange section 28 of the side weld plate 22 extends to a bottom surface of the concrete slab.

Rogers does not cure the deficiencies of Lowndes. Rogers does not disclose a concrete structural section comprising at least the following element:

(a) a first edge including a top portion being recessed from the top surface of the concrete section, the first edge connected to the concrete section between the top portion and

the bottom surface and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Rogers discloses a mat assembly for heavy equipment transit and support. The mat assembly is made up of a number of structural members having a "double I-beam" cross-sectional shape. Abstract.

Jolliffree does not cure the deficiencies of Lowndes and Rogers. Jolliffree does not disclose a concrete structural section comprising at least the following element:

(a) a first edge including a top portion being recessed from the top surface of the concrete section, the first edge connected to the concrete section between the top portion and the bottom surface and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Jolliffree discloses a connector 10 having a leg 12 and a foot 14. The leg 12 is embedded in the concrete panel 20. Jolliffree does not disclose that the leg 12 extends to a bottom surface of the concrete panel.

For at least these reasons, Lowndes, Rogers, and Jolliffree do not disclose the subject matter of Claim 1. Accordingly, independent Claim 1 is allowable. Claims 2-3 and 6-8 depend from Claim 1 and are allowable for at least the reasons Claim 1 is allowable.

The Examiner rejected Claim 3 under 35 U.S.C. § 103 as being unpatentable over Lowndes, Rogers, Jolliffree, and further in view of U.S. Patent No. 7,111,751 ("Copley").

Claim 3 depends from Claim 1 and is allowable for at least the reasons Claim 1 is allowable.

As discussed above, Lowndes, Rogers, and Jolliffree do not disclose the subject matter of amended independent Claim 1. Copley does not cure the deficiencies of Lowndes, Rogers, and Jolliffree.

Rather, Copley discloses a tank 10 including a concrete floor 12 and an upright wall 14 which sits on a flexible bearing pad 16 positioned between the lower edge 18 of the wall 14 and the floor 12. Col. 4, lines 43-46. The tank 10 includes a waterstop structure 22 designed to prevent penetration of the contents of the tank into the area 20. The waterstop structure 22 is constructed of a flexible plastic material, and is installed along the junction point 24 between the floor and the lower edge 18 of the wall 14. Col. 5, lines 3-11. Accordingly, Claim 3 is allowable.

The Examiner rejected Claim 7 under 35 U.S.C. § 103 as being unpatentable over Lowndes, Rogers, Jolliffree, and further in view of U.S. Patent No. 2,374,186 ("Fischer").

Claim 7 depends from Claim 1 and is allowable for at least the reasons Claim 1 is allowable.

As noted above, Lowndes, Rogers, and Jolliffe do not disclose the subject matter of amended independent Claim 1. Fischer does not cure the deficiencies of Lowndes, Rogers, and Jolliffe. Rather, Fischer discloses expansion joints for use in weather-proofing the spaces between constituent members of masonry structures for the expansion of such members under changing atmospheric temperatures. Accordingly, Claim 7 is allowable.

The Examiner rejected Claims 14-21 under 35 U.S.C. § 103 as being unpatentable over Lowndes, Jolliffe, and Rogers.

Claims 14-19 depend from Claim 13 and are allowable for at least the reasons Claim 13 is allowable. As noted above, Lowndes and Jolliffe do not disclose the subject matter of Claim 13. Rogers does not cure the deficiencies of Lowndes and Jolliffe. Rogers does not disclose a concrete section assembly comprising at least the following element:

(a) a first and second concrete section, each section having a first end and a second end disposed opposite one another, a side extending between the first and second ends of the section, an edge connected to the side of each section and extending along the side, the edge including a top portion being recessed from a top surface of the concrete section, the edge extending between the top surface and a bottom surface of the side, the sections aligned with the respective side of each section being adjacent to one another.

Rather, Rogers discloses a mat assembly for heavy equipment transit and support. The mat assembly is made up of a number of structural members having a "double I-beam" cross-sectional shape. Abstract.

Accordingly, Claims 14-19 are allowable.

Lowndes does not disclose the subject matter of amended independent Claim 20. More specifically, Lowndes does not disclose a method for forming a seal between two concrete sections comprising the acts of at least the following element:

(a) providing two concrete sections, each section having a first end and a second end disposed opposite one another, an elongated plastic edge at least partially embedded in the section and extending between the first end and second end, the elongated plastic edge including a top portion being recessed from a top surface of the concrete section, the plastic edge extending between the top portion and a bottom surface of the concrete section.

Rather, Lowndes discloses two adjacent concrete slabs 16, 18 being secured together with side weld plates 22. The side weld plate 22 includes an elongated body section 24 and a flange section 28 that is secured thereto and extends upwardly therefrom. A bar or slug 23 is placed between the opposite side weld plates 22 and welded in place to both side weld plates 22 thus uniting concrete slabs 16, 18. Col. 3, lines 2-11.

Lowndes does not disclose that the top portion of the body section 24 is recessed from the top surface of the concrete slab. Rather, the top portion of the body section 24 is aligned with the top surface of the concrete slab. In addition, Lowndes does not disclose that the flange section 28 of the side weld plate 22 extends to a bottom surface of the concrete section.

Jolliffe does not cure the deficiencies of Lowndes. Jolliffe does not disclose a method for forming a seal between two concrete sections comprising the acts of at least the following element:

(a) providing two concrete sections, each section having a first end and a second end disposed opposite one another, an elongated plastic edge at least partially embedded in the section and extending between the first end and second end, the elongated plastic edge including a top portion being recessed from a top surface of the concrete section, the plastic edge extending between the top portion and a bottom surface of the concrete section.

Rather, Jolliffe discloses a connector 10 having a leg 12 and a foot 14. The leg 12 is embedded in the concrete panel 20. Jolliffe does not disclose that the leg 12 extends to a bottom surface of the concrete section.

Rogers does not cure the deficiencies of Lowndes and Jolliffe. Rogers does not disclose a method for forming a seal between two concrete sections comprising the acts of at least the following element:

(a) providing two concrete sections, each section having a first end and a second end disposed opposite one another, an elongated plastic edge at least partially embedded in the section and extending between the first end and second end, the elongated plastic edge including a top portion being recessed from a top surface of the concrete section, the plastic edge extending between the top portion and a bottom surface of the concrete section.

Rather, Rogers discloses a mat assembly for heavy equipment transit and support. The mat assembly is made up of a number of structural members having a "double I-beam" cross-sectional shape. Abstract.

For at least these reasons, Lowndes, Jolliffe, and Rogers do not disclose the subject matter of Claim 20. Accordingly, independent Claim 20 is allowable. Claim 21 depends from Claim 20 and is allowable for at least the reasons Claim 20 is allowable.

**CONCLUSION**

In view of the foregoing, entry of this Amendment and allowance of the pending claims are respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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